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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Agrawal, *et al.*

Art Unit: 1635

Serial No.: 09/825,489

Examiner: Vivlemore, T.A.

Filing Date: April 3, 2001

Atty 047508.514US2
Docket: (HYZ-075)

Title: *Sensitization of Cells to Cytotoxic Agents
Using Oligonucleotides Directed to
Nucleotide Excision Repair or Transcription
Coupled Repair Genes*

CERTIFICATION UNDER 37 C.F.R. § 1.8(a)

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Mary Jo Hispel

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
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RENEWED PETITION TO ACCEPT UNINTENTIONALLY DELAYED PRIORITY

CLAIM UNDER 37 C.F.R. §1.78(a)(6)

Sir:

Applicants hereby submit this renewed petition to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of a prior-filed provisional application, as provided under 37 C.F.R. §1.78(a)(6). This renewed petition is being submitted in response to a decision to dismiss Applicants' previous petition, which was issued by Frances Hicks of the Office of Petitions and mailed from the Office of Petition on September 29, 2005. In particular, Applicants were required to submit a renewed petition under 37 CFR 1.78(a)(6), because "before the petition under 37 CFR 1.78(a)(6) can be granted, a substitute amendment deleting the incorporation by reference statement....is required."

Appl. No. 09/825,489
Response, dated October 4, 2005
Reply to Office of Petitions Action mailed Sept. 29, 2005

Accordingly, Applicants hereby submit the following Renewed Petition, accompanied by the requested Substitute Amendment under 37 C.F.R. §1.111, in which the incorporation by reference statement has been deleted per the requirements of 37 C.F.R. §1.78(a)(5)(i). Applicants again submit that the entire delay, between the date this claim of priority was due under 37 C.F.R. §1.78(a)(5)(ii) and the date this claim was filed, was unintentional. Applicants further submit that they have previously provided an authorization of payment of the surcharge set forth in 37 CFR §1.17(t) and, accordingly, no further fee is believed due with this action. Nevertheless, please charge any additional fees, or refund any overpayment, to Deposit Account No. 08-0219.

In conclusion, Applicants believe this Renewed Petition corrects the basis for dismissal of Applicants' previous petition dated March 14, 2005. Accordingly, Applicants respectfully request acknowledgement of acceptance of their claim of priority to the earlier-filed provisional application 60/194,343, which was filed April 3, 2000.

Respectfully submitted,



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Date: **October 4, 2005**
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